

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA
§ 45.1-361.26

VIRGINIA:

BEFORE THE GAS AND OIL BOARD

APPLICANTS:

CNX Gas Company LLC on behalf of Hurt McGuire Land Trust and six members of the Thomas Stilwell Heirs plus four members of the Linkous Horn Heirs.

DOCKET NO.

98-0325-0681-03

RELIEF SOUGHT:

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling S-35,
a portion of Tracts 2 and 3
(Referenced herein as "the Subject Drilling Unit")

Location: Buchanan County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit S-35 by Tract Subaccounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

REPORT OF THE BOARDFINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on April 21, 2009 at the Russell County Government Center Conference Center, 129 Highland Drive, Lebanon VA.
2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

4. Prior Proceedings:

- 4.1. (a) On March 24, 1998 the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on December 7, 1998, Instrument Number 980003256. The Board executed its Supplemental Order Regarding Elections that was filed with the Clerk on May 12, 1999, Instrument Number 990001278.
- 4.1.1 The Board executed its Supplemental Order -01 regarding a Elections of Unit S-35 and Modification of the Pooling Order filed with the clerk on April 2, 2005 Instrument 040001006 and making additions and corrections from the unit operator. Additionally, a -01 Supplemental order was filed with the Clerk on September 6, 2006, Instrument Number 060003156.
- 4.1.2 The Board executed its Supplemental Order -02 on May 16, 2006 regarding a Modification of the Pooling Order and making additions and corrections from the unit operator; filed with the Clerk on September 26, 2006, Instrument Number 060003146. (Hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.1.3 BECAUSE OF AN OVERPAYMENT TO Authur M. Stilwell from Unit T-36 VGOB -98-0324-0625-05 in 2007, a portion of the T-36 overpayment will be recovered and a transfer of funds will occur from this Unit and disbursement to Unit T-36. ✓
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Hurt McGuire Land Trust ; and the gas ownership interests of certain of the Thomas Stilwell heirship in tract 2 and Linkous Horn Heirs in Tract 3 in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of tract 2 and tract 3 a copy of which is attached to and made a part hereof, states under oath that Hurt McGuire Land Trust and the Applicants have entered into an agreement with regards to a portion of Tracts 2 and 3 and that by the terms of the agreements, Hurt McGuire Land Trust has entered into a split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
- 4.4 The Unit Operator gave notice to Hurt McGuire Land Trust and the applicants that the Board would consider its disbursement authorization at its hearing on April 21, 2009 and consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to a portion of tracts 2 and 3 identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to a portion of said Tracts 2 and 3 the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow under Tract 2.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. Findings:

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

(1) Hurt McGuire Land Trust and certain individuals of the Thomas Stilwell heirship property in Tract 2; Hurt McGuire Land Trust and certain individuals of the Linkous Horn Heirship in Tract 3, are the owners of the coal and gas acreage estate underlying a portion of VGOB Tract 2 and VGOB Tract 3 of the Subject Drilling Unit;

(2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB-98-0915-0681-03
S-35

		Frac Interest	Acreage Interest Disbursed	Split Agreement	Escrowed Acres Total	% of Escrowed Funds
Table 1						
Tract Disbursement Table						
Totals					3.0028	
Hurt McGuire Land Trust		6.67	1.2969	50.0%	0.648	21.5957%
2 Hurt McGuire Land Trust C/o Charles Green / PO Box 1067 / Bluefield, VA 24605						
Thomas Stilwell Heirs - Oil & Gas		6.67				
2 TRANSFER AMOUNT TO ESCROW UNIT T-36 VGOB 98-0324-0625 AS RECOVERY FOR OVERPAYMENT IN 2007 TO: Author M. Stilwell / PO Box 314 / Raven, VA 24639		1/8	0.8338	50.0%	0.417	13.8830%
2 Linda S. Shelton / PO Box 521 / Pounding Mill, VA 24637		1/72	0.0926	50.0%	0.046	1.5426%
2 Jerine Davis / 118 Coronado Road / North Tazewell, VA 24630		1/72	0.0926	50.0%	0.046	1.5426%
2 Daniel J. Osborne / 100 Third Street, SW No D77 / Mandan, ND 58554		1/72	0.0926	50.0%	0.046	1.5426%
2 Lois Casey / PO Box 521 / Pounding Mill, VA 24637		1/72	0.0926	50.0%	0.046	1.5426%
2 Quentin A. Stilwell / PO Box 154 / Rhame, ND 58651		1/72	0.0926	50.0%	0.046	1.5426%
Hurt McGuire Land Trust		1.15	0.1342	50.0%	0.067	2.2340%
3 Hurt McGuire Land Trust C/o Charles Green / PO Box 1067 / Bluefield, VA 24605						
Linkous Horn Heirs - Oil & Gas		1.15				
3 Nellie Maynard / PO Box 296 / Raven VA 24639		1/180	0.0064	50.0%	0.003	0.1064%
3 Danny Elder / PO Box 296 / Raven VA 24639		1/180	0.0064	50.0%	0.003	0.1064%
3 Robert Elder / PO Box 65 / Raven VA 24639		1/180	0.0064	50.0%	0.003	0.1064%
3 Joseph P. Horne / 492 Gray Branch Road / Cedar Bluff, VA 24639		1/10	0.1150	50.0%	0.058	1.9149%

6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

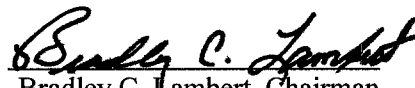
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

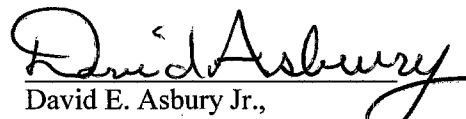
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 14 day of Sept, 2009 by a majority of the Virginia Gas and Oil Board.

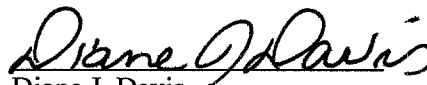

Bradley C. Lambert, Chairman

DONE AND PERFORMED this 14th day of Sept, 2009 by an Order of this Board.


David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL)

Acknowledged on this 14th day of September, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public #174394

My commission expires: 09 / 30 / 2009



090002349

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA

§ 45.1-361.26

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BEFORE THE GAS AND OIL BOARD

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Location: Buchanan County, Virginia

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- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on April 21, 2009 at the Russell County Government Center Conference Center, 129 Highland Drive, Lebanon VA.
2. **Appearances:** , Mark A. Swartz, Esq. SWARTS Law Offices PLLC appeared for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract sub accounts. The Board finds that: (1) while it **does not** have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it **does not** have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, **the Board does have jurisdiction and authority to disburse funds from the Escrow Account** provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein.

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- 4.3 The Unit Operator's Miscellaneous Petition regarding a portion of tract 2 and tract 3 a copy of which is attached to and made a part hereof, states under oath that Hurt McGuire Land Trust and the Applicants have entered into an agreement with regards to a portion of Tracts 2 and 3 and that by the terms of the agreements, Hurt McGuire Land Trust has entered into a split agreement regarding these tracts and escrow regarding these individual conflicting claims detailed herein, is no longer required for these parties.
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- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. **Findings:**

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

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- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1,

VGOB Approved Disbursement
VGOB-98-0915-0681-03
S-35

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6. Relief Granted:

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

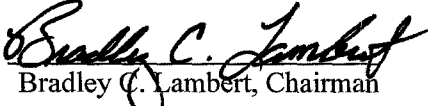
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

8. **Appeals:**

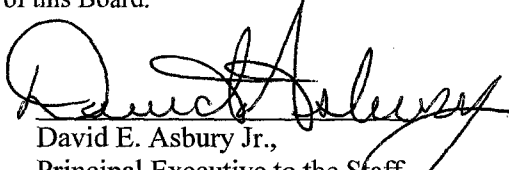
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 20 day of July, 2009 by a majority of the Virginia Gas and Oil Board.

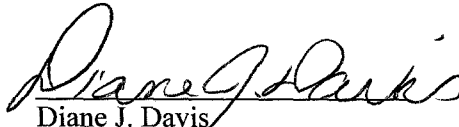

Bradley C. Lambert, Chairman

DONE AND PERFORMED this 20 day of July, 2009 by an Order of this Board.

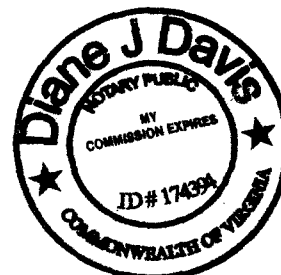

David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON) Russell

Acknowledged on this 20 day of July, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared **Bradley C. Lambert**, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and **David E. Asbury Jr.**, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public #174394

My commission expires: 09 / 30 / 2009



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 98-0915-0681-03

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING a portion of TRACT(S) 2 & 3 HEARING DATE: April 21, 2009
(2) AND AUTHORIZATION FOR DIRECT
~~PAYMENT OF ROYALTIES~~

DRILLING UNIT: S-35

BUCHANAN COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. **Petitioner and its counsel:** Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, WV 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.
2. **Relief sought:** (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to a portion of Tract(s) 2 & 3 as depicted upon the annexed Exhibit A; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Hurt McGuire Land Trust and Arthur M. Stilwell, Linda S. Shelton, Jerline Davis, Daniel J. Osborne, Lois Casey and Quentin A. Stilwell; Hurt McGuire Land Trust and Nellie Maynard, Danny W. Elder, Robert G. Elder and Joseph P. Horne.
3. **Legal Authority:** Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.
4. **Type of well(s):** Coalbed methane.
5. **Factual basis for relief requested:** Hurt McGuire Land Trust and Arthur M. Stilwell, Linda S. Shelton, Jerline Davis, Daniel J. Osborne, Lois Casey and Quentin A. Stilwell; Hurt McGuire Land Trust and Nellie Maynard, Danny W. Elder, Robert G. Elder and Joseph P. Horne have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Exhibit A, further, specifies how said royalties are to be divided and paid.
6. **Attestation:** The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By: 

Anita D. Duty
Pooling Supervisor
CNX Gas Company LLC
2481 John Nash Blvd.
Bluefield, West Virginia 24701

5

Exhibit A
Tract-by-Tract Escrow Calculation
Account Balances as of 2/28/06

Unit S-35
VGOB 98-0915-0681-03
Acres Escrowed: 3.0028

Owners	Tract #	Acres	Total Tract Percent of Escrow	Fractional Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$31,962.85		
Hurt McGuire Land Trust	2	1.8528	61.7024%		30.8512%	\$9,860.92		
Thomas Stilwell Heirs		6.67			30.8512%	\$9,860.92		
Arthur M. Stilwell		0.8338			13.8829%	\$4,437.36		
Linda S. Shelton		0.0926			1/72	1.5425%	\$493.04	
Jerline Davis		0.0926			1/72	1.5425%	\$493.04	
Daniel J. Osborne		0.0926			1/72	1.5425%	\$493.04	
Lois Casey		0.0926			1/72	1.5425%	\$493.04	
Quentin A. Stilwell		0.0926			1/72	1.5425%	\$493.04	
Hurt McGuire Land Trust	3	1.15	38.2976%	—	19.1488%	\$6,120.50		
Linkous Horn Heirs					19.1488%	\$6,120.50		
Nellie Maynard					0.0064	1/180	0.1064%	\$34.00
Danny Elder					0.0064	1/180	0.1064%	\$34.00
Robert Elder					0.0064	1/180	0.1064%	\$34.00
Joseph P. Horne					0.1150	1/10	1.9149%	\$612.05

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

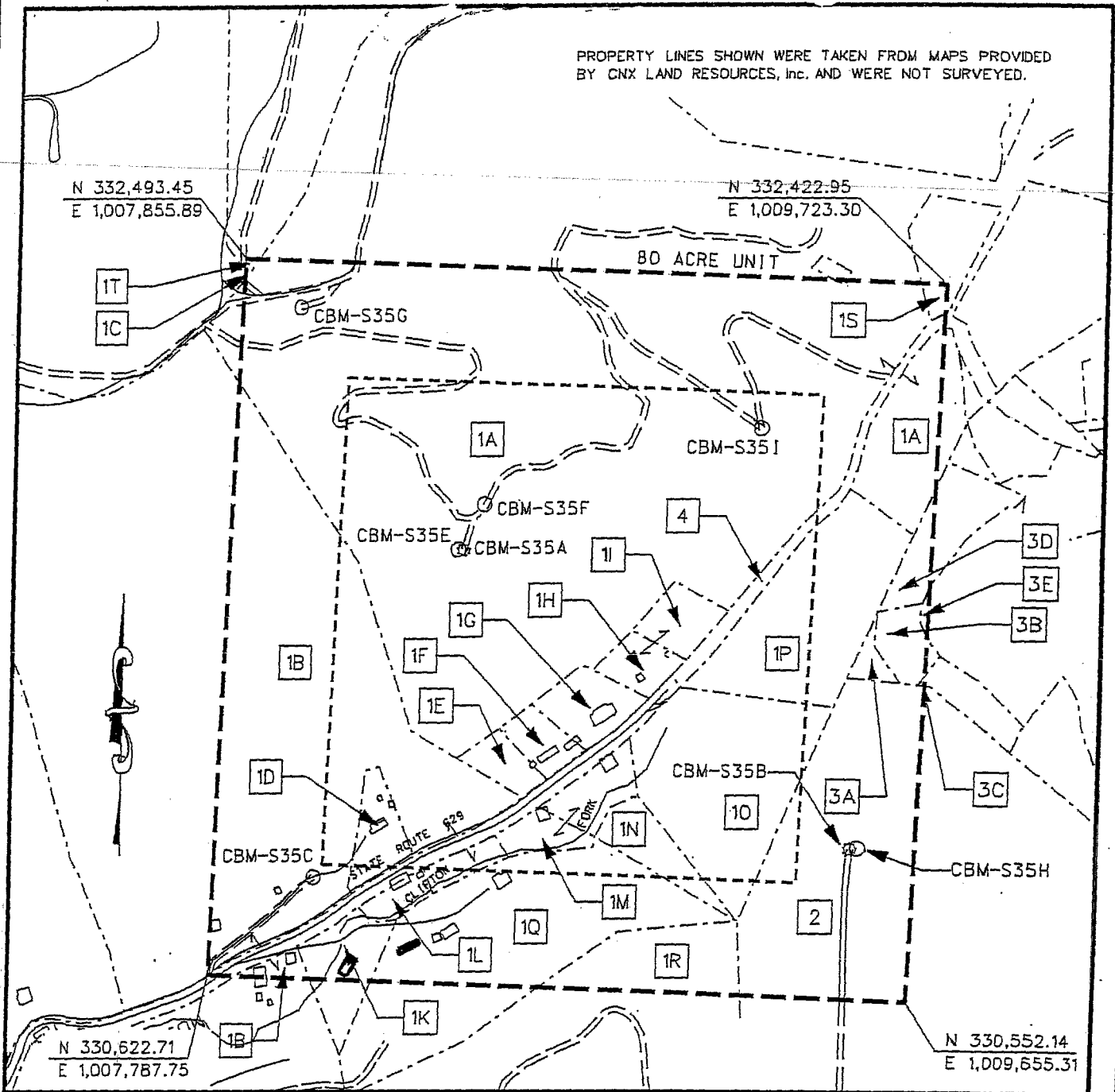


EXHIBIT A
OAKWOOD FIELD
UNIT S-35
FORCE POOLING
VGOB-98-04151-01

Company CNX Gas Company LLC Well Name and Number UNIT S-35
Tract No. _____ Elevation _____ Quadrangle Keen Mountain
County Buchanan District Garden Scale: 1" = 400' Date 11/13/03
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/01

Claude D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor

CLAUDE D. MORGAN

10958

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CNX Gas Company LLC

UNIT S-35

Tract Identification

1. H. S. T. Group L.C. (1168.71 Acre Tract) – All Minerals
Island Creek Coal Company/Consolidation Coal Company – Below Drainage Coal Leased
Jewell Smokeless Coal Corporation – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
71.02 acres 88.7750%
- 1A. Betty Ferrell - Surface
1B. Consolidation Coal Company
1C. Jerry W. Keene, et al- Surface
1D. Consolidation Coal Company – Surface
1E. Starling Osborne, et ux – Surface
1F. Barbara A. Osborne – Surface
1G. Ray Horn – Surface
1H. Troy Horn, et ux – Surface
1I. Troy Horn, et ux – Surface
1J. Commonwealth of Virginia – Surface
1K. Consolidation Coal Company – Surface
1L. Silva V. Clifton, et vir – Surface
1M. Consolidation Coal Company – Surface
1N. Timmy D. Compton – Surface
1O. Billy I. Hylton – Surface
1P. Bascom Clifton – Surface
1Q. Naomi Clifton, et al – Surface
1R. CNX Gas Company LLC – Surface
1S. Kenneth Byrd – Surface
1T. Ruth Culbertson, et al – Surface
2. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
Consolidation Coal Company – Below Drainage Coal Leased
A.T. Massey – Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Thomas Stilwell Heirs – Surface and All Minerals except Coal
CNX Gas Company LLC – Oil, Gas and CBM Leased (71/72)
6.67 acres 8.3375%

**CNX Gas Company LLC
UNIT S-35
Tract Identification**

3. Hurt McGuire Land Trust (William P. Stilwell 143.6 Acre Tract) - Coal
 Consolidation Coal Company – Below Drainage Coal Leased
 A.T. Massey – Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Linkous Horn Heirs – All minerals except Coal
 CNX Gas Company LLC – Oil, Gas and CBM Leased (10%)
 1.15 acres 1.4375%
- 3A. Eddie Justice – Surface
3B. Noah Keen, et ux– Surface
3C. Robert Trent – Surface
3D. Noah Keen, et al – Surface
3E. John David Osborne – Surface
4. H. S. T. Group L.C. (1168.71 Acre Tract) – All Minerals
 Island Creek Coal Company/Consolidation Coal Company – Below Drainage Coal Leased
 Jewell Smokeless Coal Corporation – Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Commonwealth of Virginia – Surface
 1.16 acres 1.4500%

Exhibit E
Unit S-35
Docket # VGOB 98-0915-0681-03
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
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Tract #2, 6.67 acres

COAL FEE OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.67 acres	8.3375%	1.30844%	0.86250%
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OIL & GAS FEE OWNERSHIP

(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	6.67 acres	8.3375%	1.30844%	0.86250%
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(l) Sylvia A. Shelton 549 Jacks Creek Road Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%
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(o) Cora Arnold Heirs, Devisees,
Successors or Assigns

(o.1) James H. Arnold, widower P. O. Box 626 Raven, VA 24637	0.2779 acres 1/24 of 6.67 acres	0.3474%	0.05452%	0.03594%
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(s) Theodore Stilwell HC66 Box 112A Whitewood, VA 24657	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%
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(t) Curtis Stilwell P.O. Box 908 Pounding Mill, VA 24637	0.0926 acres 1/72 of 6.67 acres	0.1158%	0.01817%	0.01198%
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Tract #3, 1.15 acres

COAL FEE OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.15 acres	1.4375%	0.22559%	0.14871%
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OIL & GAS FEE OWNERSHIP

Linkous Horn Heirs, Devisees Successors or Assigns	1.15 acres	1.4375%	0.22559%	0.14871%
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(1) Arizona Osborne Heirs, Devisees,
Successors or Assigns

(a) Sydney Smith 1911 McVetty Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
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(b) Kenneth R. Osborne 848 Peyton Street Roanoke, VA 24019	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
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Exhibit E
Unit S-35
Docket # VGOB 98-0915-0681-03
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right 15.69343%	6-Right 10.34483%
(c) Martha Williams 1911 McVetty Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(2) Lydia Bell Blankenship Heirs, Devisees, Successors or Assigns				
(a) Noah & Mary Jane Keen Rt. 1, Box 154 Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(b) Shirley Keen Rt.1 Box 159R Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(c) Patsy & Clyde Moore Rt. 1, Box 138 Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(d) Brenda Sue & Eddie Justice P. O. Box 627 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(e) James R. Osborne P. O. Box 484 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(f) Clifford Osborne Heirs, Devisees, Successors or Assigns				
(f.1) Phyllis W. Osborne Rt.1 Box 157E Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(g) Ronnie & Sherry Osborne P. O. Box 12 Oakwood, VA 24631	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(h) Charles M. Osborne 216 Plantation Drive Richlands, VA 24641	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(i) Richard & Debbie Osborne P. O. Box 541 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(j) William Osborne Heirs, Devisees, Successors or Assigns				
(j.1) Ruth Keen	(Deed of Gift to Joyce Lineberry 3/16/03)			
(j.1.1) Joyce Lineberry Mae PO Box 172 Cooleemee, NC 27014	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(k) John David Osborne Heirs, Devisees, Successors or Assigns				

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Exhibit E
Unit S-35
Docket # VGOB 98-0915-0681-03
List of Conflicting Owners/Claimants that require escrow

		Acres in Unit	Percent of Unit	Division of Interest in 5-Right 15.69343%	6-Right 10.34483%
(k.1)	Darlene B. Osborne Rt.1 Box 157 Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.0131%	0.00205%	0.00135%
(3)	Henry Horn Heirs, Devisees, Successors or Assigns				
(a)	Perry W. Horn P.O. Box 33 Raven, VA 24639	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(b)	Larry M. Horn Heirs, Devisees, Successors or Assigns <i>Heirs / Address Unknown</i>	0.0383 acres 1/30 of 1.15 acres	0.0479%	0.00752%	0.00496%
(c)	Ivory Horn Heirs, Devisees, Successors or Assigns				
(c.1)	Patricia D. Horton P.O. Box 65 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%
(c.3)	Tammy D. Boyd 195 Taylor Circle Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%
(c.4)	Margaret E. Dye 784 Big Creek Road Richlands, VA 24641	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.00125%	0.00083%
(4)	Thelma H. Osborne P. O. Box 33 Raven, VA 24639	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(6)	Nancy Ann Horn Stilwell Rt. 4, Box 722 North Tazewell, VA 24630	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(7)	Earnest Horn Heirs, Devisees, Successors or Assigns				
(a)	Dorothy Horn 305 Bane Bottom Avenue Cedar Bluff, VA 24609	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(8)	Martha Smith P. O. Box 395 Max Meadows, VA 24360	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(9)	Sarah Horn Day P. O. Box 208 Peterstown, WV 24963	0.1150 acres 1/10 of 1.15 acres	0.1438%	0.02256%	0.01487%
(10)	Carl Horn Heirs, Devisees, Successors or Assigns				

Exhibit E
Unit S-35
Docket # VGOB 98-0915-0681-03
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Division of Interest in	
			5-Right	6-Right
			15.69343%	10.34483%
(a) Marilyn Taylor	0.1150 acres	0.1438%	0.02256%	0.01487%
RR1 Box 1445	1/10 of 1.15 acres			
Pounding Mill, VA 24637				

Exhibit EE
Unit S-35
Docket # VGOB 98-0915-0681-03
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #2, 6.67 acres</u>			
<u>COAL FEE OWNERSHIP</u>			
(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	6.67 acres	8.3375%	
<u>OIL & GAS FEE OWNERSHIP</u>			
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	6.67 acres	8.3375%	
(a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	n/a
(b) Martha J. Stilwell P.O. Box 54 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	n/a
(c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	n/a
(d) Arthur M. Stilwell P.O. Box 314 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.0422%	13.8829%
(e) Exie Osborne Heirs, Devisees, Successors or Assigns			
(e.1) Myrtle Smith Heirs, Devisees, Successors or Assigns			
(e.1.1) Nancy Jackson P.O. Box 448 Doran, VA 24612	0.0695 acres 1/96 of 6.67 acres	0.0868%	n/a
(e.1.2) Darlene Ward 117 Franklin Avenue Richlands, VA 24641	0.0695 acres 1/96 of 6.67 acres	0.0868%	n/a
(e.2) Maxie Boyd P.O. Box 972 Raven, VA 24639	0.1390 acres 1/48 of 6.67 acres	0.1737%	n/a
(e.3) Ruth Osborne Smith P.O. Box 672 Doran, VA 24612	0.1390 acres 1/48 of 6.67 acres	0.1737%	n/a
(e.4) Judy Blankenship Box 221 Doran, VA 24612	0.1390 acres 1/48 of 6.67 acres	0.1737%	n/a

Exhibit EE
Unit S-35
Docket # VGOB 98-0915-0681-03
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
(e.5) John Osborne Box 6 Shortt Gap, VA 24647	0.1390 acres 1/48 of 6.67 acres	0.1737%	n/a
(e.6) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.1390 acres 1/48 of 6.67 acres	0.1737%	n/a
(f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(g) Linda S. Shelton P. O. Box 521 Pounding Mill, VA 24637	0.0926 acres 1/72 of 6.67 acres	0.1158%	1.5425%
(h) Jerline Davis 118 Coronado Road North Tazewell, VA 24630	0.0926 acres 1/72 of 6.67 acres	0.1158%	1.5425%
(k) Daniel J. Osborne 100 Third Street, SW No.D77 Mandan, ND 58554	0.0926 acres 1/72 of 6.67 acres	0.1158%	1.5425%
(i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(m) Marvin J. Osborne P. O. Box 537 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(n) Lois Casey P. O. Box 521 Pounding Mill, VA 24637	0.0926 acres 1/72 of 6.67 acres	0.1158%	1.5425%
(o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(p) Jay C. Stilwell Heirs, Devisees, Successors or Assigns			
(p.1) Connie Stilwell, widow P. O. Box 1035 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a

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Exhibit EE

Unit S-35

Docket # VGOB 98-0915-0681-03

List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
(r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.2779 acres 1/24 of 6.67 acres	0.3474%	n/a
(v) Gladys E. Pollert 1121 29 Street NW Fargo, ND 58102	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(w) David W. Stilwell 244 Texas Street, Apt #214 Rapid City, SD 57701	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(x) Thomas H. Stilwell 27 Horseshoe Bend Fargo, ND 58104	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(y) Quentin A. Stilwell P. O. Box 154 Rhome, ND 58651	0.0926 acres 1/72 of 6.67 acres	0.1158%	1.5425%
(z) Daniel J. Stilwell 100 Third Street SW No.D77 Mandan, ND 58554	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a
(aa) Bernice R. Lamb 2225 Second Avenue West International Falls, MN 56649	0.0926 acres 1/72 of 6.67 acres	0.1158%	n/a

Tract #3, 1.15 acres

COAL FEE OWNERSHIP

(1) Hurt McGuire Land Trust c/o Charles Green P.O. Box 1067 Bluefield, VA 24605	1.15 acres	1.4375%
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OIL & GAS FEE OWNERSHIP

Linkous Horn Heirs, Devisees Successors or Assigns	1.15 acres	1.4375%
(c) Ivory Horn Heirs, Devisees, Successors or Assigns		
(c.2) Nellie A. Maynard P.O. Box 296 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080% 0.1064%
(c.5) Danny W. Elder P.O. Box 296 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080% 0.1064%

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Exhibit EE
Unit S-35
Docket # VGOB 98-0915-0681-03
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
(c.6) Robert G. Elder P.O. Box 65 Raven, VA 24639	0.0064 acres 1/180 of 1.15 acres	0.0080%	0.1064%
(5) Joseph P. Horne 492 Gray Branch Road Cedar Bluff, VA 24639	0.1150 acres 1/10 of 1.15 acres	0.1438%	1.9149%

INSTRUMENT #090002349
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
AUGUST 4, 2009 AT 02:29PM

BEVERLY S. TILLER, CLERK
RECORDED BY: NKE

INSTRUMENT #090003364
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
OCTOBER 29, 2009 AT 01:33PM

BEVERLY S. TILLER, CLERK
RECORDED BY: DA